

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

MONICA L. BALL,

Plaintiff,

V.

Case No. 3:13-cv-168

TAKEDA PHARMACEUTICALS
AMERICA, INC., et al.,

Defendants.

PLAINTIFF'S MEMORANDUM IN SUPPORT OF PLAINTIFF'S RULE 62(b)(4) MOTION TO STAY IN ACCORDANCE WITH PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION FOR RELIEF UNDER F.R.C.P. 60(b) FOR PLAINTIFF'S PENDING MOTIONS BEFORE THE COURT, WHICH INCLUDE ALL 60(b) MOTIONS AS WELL AS THE PLAINTIFF'S MOTION TO EXTEND TIME TO SUBMIT EXPERT OPINONS

The Plaintiff has filed the following motions before this the Court. Plaintiff is seeking a stay of the proceedings in regards to Rule 62(b)(4) in the interest of justice.

Federal Rule 62. Stay of Proceedings to Enforce a Judgment

(a) AUTOMATIC STAY; EXCEPTIONS FOR INJUNCTIONS, RECEIVERSHIPS, AND PATENT ACCOUNTINGS. Except as stated in this rule, no execution may issue on a judgment, nor may proceedings be taken to enforce it, until 14 days have passed after its entry. But unless the court orders otherwise, the following are not stayed after being entered, even if an appeal is taken:

- (1) an interlocutory or final judgment in an action for an injunction or a receivership; or
- (2) a judgment or order that directs an accounting in an action for patent infringement.

(b) STAY PENDING THE DISPOSITION OF A MOTION. On appropriate terms for the opposing party's security, the court may stay the execution of a judgment—or any proceedings to enforce it—pending disposition of any of the following motions:

- (1) under Rule 50, for judgment as a matter of law;
 - (2) under Rule 52(b), to amend the findings or for additional findings;
 - (3) under Rule 59, for a new trial or to alter or amend a judgment;
- or
- (4) under Rule 60, for relief from a judgment or order.

The Plaintiff has brought motions under Rule 60(b) asking for relief from the Court.

PLAINTIFFS' MOTION FOR RELIEF UNDER F.R.C.P. 60(b) TO REVERSE THE COURT'S ORDER OF DISMISSING THE COUNTS OF FRAUD AND EXPRESSED WARRANTY FROM THE PLAINTIFF'S COMPLAINT

PLAINTIFFS' MOTION FOR RELIEF UNDER F.R.C.P. 60(b) FROM COURT'S ORDER GRANTING DEFENDANTS' MOTION TO COMPEL AND ATTORNEY FEES

In addition, to these two rule 60(b) motions the Plaintiff also request a stay until the Court rules on the Plaintiff request for the extension of time to file expert opinions.

PLAINTIFFS' REPLY TO DEFENDANTS' OPPOSITION RESPONSE TO PLAINTIFF MOTION MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION TO EXTEND TIME TO FILE EXPERT OPINIONS.

The Plaintiff respectfully request that the Court grants a stay in this matter until discovery issues can be determined and the rule 60(b) and motion to extend time to file expert opinions can

be ruled upon by the Court.

July 27, 2013

Respectfully submitted,

By: /s/
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of July, 2013, a copy of the foregoing was sent by electronic mail to:

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